

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)

v.)

Case No. CIV 96-196 B

CITY OF STILWELL, OKLAHOMA,)
ET AL.,)
)
 Defendants.)

UNITED STATES' MOTION FOR SUMMARY JUDGMENT

The United States hereby moves for summary judgment that defendants have violated sections 1 and 2 of the Sherman Act (15 U.S.C. §§ 1 & 2) by refusing to provide sewer and water to any customer who bought electricity from their competitor. As set forth more fully in the attached memorandum in support of the motion, summary judgment under section 1 is appropriate here because (1) defendants have conceded that they conditioned the provision of sewer and water on the purchase of electricity from them and (2) such conduct is a *per se* violation of the antitrust laws (*i.e.*, it is illegal without any analysis of the justification for or the effects of the conduct). Summary judgment is also appropriate under section 2 where defendants monopolized the sale of electricity in the annexed portions of the City of Stilwell by this refusal to provide sewer

or water unless the customer agreed to buy electricity from them. Because the relevant conduct is conceded, a trial would be a needless use of scarce judicial resources and the court should grant the summary judgment motion.

Respectfully submitted,

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